

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 24, 2009. Claims 1-20 remain in the application, with claim 20 having been withdrawn from consideration. Claims 1 and 11 are the independent claims currently under consideration. Claims 1, 3, 4, 6, 8, 9 and 11-18 have been amended. Reconsideration and further examination are respectfully requested.

Support for the claim amendments can be found throughout the original disclosure, including for example, Figure 1, paragraphs [0035]-[0038], and original claims 1-9, 11-14, 16-18. No new matter is believed to have been introduced to the application by this amendment.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite because of the lack of antecedent basis for “the porous substrate.” The amendment to claim 3 is seen to obviate this rejection. This rejection is respectfully traversed, and reconsideration and withdrawal of this rejection are respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 5-11 and 15-19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,301,538 (“Recla”) in view of U.S. Patent No. 5,747,348 (“Jaduszliwer”). These rejections are respectfully traversed, and reconsideration and withdrawal of these rejections are respectfully requested.

Applicants thank the Examiner for the courtesies extended to Applicants’ representatives in the telephonic interview conducted on June 8, 2009, in which the foregoing claim rejections

and claim amendments were discussed. Applicants thank the Examiner for an indication that the amendments would overcome the rejections.

As discussed in the interview, the applied references are not seen to teach or suggest, whether taken alone or in combination, a first optical detector configured to monitor a color of the colorimetric chemical monitor based on an intensity of first reflected light from the colorimetric chemical monitor and a second optical detector configured to monitor a color of the colorimetric chemical monitor based on an intensity of second reflected light from the colorimetric chemical monitor, as recited in independent claim 1. Further, the applied references are not seen to teach or suggest monitoring an intensity of first reflected light from a colorimetric chemical monitor with a first optical detector of an optical reader and monitoring an intensity of second reflected light from the colorimetric chemical monitor with a second optical detector of the optical reader, as recited in independent claim 11.

Recla is directed to dual sensor detector tube systems that are installed along the path length of a pipeline, storage tanks, or other fuel systems to be monitored for leaks. See Recla, Abstract. The Office Action contends that the dual sensors of Recla would each have a light path and thus would properly read on the claims with respect to the reflected light. See Office Action, p. 3. However, nowhere does Recla disclose that the dual sensors examine or transport light, much less monitor a color of the colorimetric chemical monitor based on an intensity of first or second reflected light from the colorimetric chemical monitor. On the contrary, the dual sensors of Recla involve sensor tubes that are arranged along the path of pipe lines, tanks or fuel systems. While one sensor tube is being continually pumped with test media (i.e., liquid or gas), the other sensor tube is alternately lying dormant for selected periods of time, for receiving incoming diffusion of pollutants from medium and low level leaks from the pipe lines, tanks or

fuel systems. The sensor tubes may then convey the pollutants past a sensor to detect the presence of pollutants that may be found in the test medium. See Recla, FIGS. 1, 2 and 3, and col. 3: lines 8-16 and 40-46. Thus, while liquid or gas are seen to be pumped through the sensor tubes of Recla, light is not “pumped” through the sensor tubes. In fact, Recla states, “the leaking *liquid* or *gas* itself is detected, not a condition caused by the leak, such as pressure loss or volume imbalance.” See Recla, col. 1: lines 50-53 (emphasis added).

Accordingly, Recla is not seen to teach or suggest an optical detector, let alone a first optical detector configured to monitor a color of the colorimetric chemical monitor based on an intensity of first reflected light from the colorimetric chemical monitor and a second optical detector configured to monitor a color of the colorimetric chemical monitor based on an intensity of second reflected light from the colorimetric chemical monitor, as recited in independent claim 1. Correspondingly, Recla is not seen to teach or suggest monitoring an intensity of first reflected light from a colorimetric chemical monitor with a first optical detector of an optical reader and monitoring an intensity of second reflected light from the colorimetric chemical monitor with a second optical detector of the optical reader, as recited in independent claim 11. Jaduszliwer was applied for the purpose of allegedly teaching a reagent on a porous paper substrate (see Office Action, p. 4), but is not seen to remedy the foregoing deficiencies of Recla.

As the foregoing features of independent claims 1 and 11 are nowhere taught or suggested in the cited references, Applicants respectfully request that the outstanding 35 U.S.C. § 103(a) rejection of these claims be withdrawn.

The other claims currently under consideration in the application are dependent from independent claim 1 or 11 discussed above and therefore are believed to be allowable over the

applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, all of the claims under consideration are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Allowable Subject Matter

Claims 2, 4 and 12-14 have been indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 is indicated as being allowable if rewritten in independent form and also if the rejection under 35 U.S.C. § 112, 2nd paragraph, is overcome. As discussed above, the 35 U.S.C. § 112 rejection of claim 3 has been addressed. Applicants thank the Examiner for the indicated allowable subject matter. Applicants have not rewritten these claims in independent form at this time, as all claims in the application are believed to be in condition for allowance, as discussed above.

CONCLUSION

Applicants respectfully request immediate allowance of the present application, the claims of which define patentable subject matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Respectfully submitted,

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